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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Shiro Fujihara

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EXAMINER

PATEL, SHEFALI D

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/036,040	Applicant(s) FUJIHARA ET AL.	
	Examiner Shefali D. Patel	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 10 and 19 is/are allowed.
6) ☒ Claim(s) 1-9, 11-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment was received on May 2, 2005.
2. Claims 15-18 have been cancelled.
3. Claims 10 and 19 are allowed.
4. Claims 1-9 and 11-14 are pending in this application.
5. Objections made to claims 5 and 16 have been withdrawn.

Response to Arguments

6. Applicants' arguments filed on May 2, 2005 (pages 7-10 under Remarks) have been fully considered but they are not persuasive.

Applicants' argue on page 8 stating that Kori (US 6,687,802) does not disclose detecting an image data (and that Kori discloses music data at col. 8 lines 20-26). The examiner disagrees. Please note that Kori discloses on col. 18 lines 53 to col. 19 lines 1-12 stating that "Further, various recording media can be used such as an optical disc such as a DVD (Digital Video Disc)... or a cassette tape." Further at col. 19 Kori discloses "...reproduction apparatus for various magnetic discs, video tape recorders, digital video tape recorders, audio tape recorder, digital audio tape recorders..." Therefore, the method and an apparatus of Kori, which is mainly disclosed for use of audio signal, can be used for video signals as Kori discloses on col. 18-19.

Applicants' further argue on pages 8-9 with regards to claim 8 stating that claim 8 "does not recite processing image content data, and instead recites content data more generally." Applicants' also state that Kori lacks the second detector. Please note that 'image' is not a critical limitation in claim 8 as the word 'image' has been removed from claim 8 by an amendment. Hence, any data (i.e., audio, video, etc.) can be applied to meet the limitations of claim 8 as disclosed by Kori. Furthermore, as stated before, Kori discloses the second detector for detecting an additional watermark at elements 383 and 44,

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respectively, as seen in Figure 3. See, col. 9 lines 48-57 and col. 10 lines 54-67. Please note that detector 44 specifically detects the additional watermark information as disclosed at col. 13 lines 47-62.

7. Applicants' arguments with respect to claims 9 and 11-12 on page 9 have been considered but are moot in view of the response to the arguments for claims 1 and 8 as described above.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-8 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kori et al. (hereinafter, "Kori") (US 6,687,802).

With regard to **claim 1** Kori discloses an image data processing device for processing an input image content data to produce an output image content data (Figures 1 and 3, col. 6 lines 41-46, col. 7 lines 27-39), comprising: a detector (i.e., reading out section 21 and 43; detection section 381) for detecting a permission limiting watermark from the input image content data (col. 8 lines 20-35, col. 9 lines 48-57); and a controller (i.e., control unit 10, 50, and 520) for controlling transferring and blocking (transferring the data from the control section 50 to copying history information management memory 52, and copying count management information detection section 383 as seen in Figure 3) of the input image content data such that the output image content data is produced from the input image content data a limited number of times when the permission limiting watermark is detected (content data from the image

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is produced limited number of times as specified, col. 10 lines 46-67. Figure 4 element 52 is used as a counter specifying what actions to take depending on the permitted number of times of copying based on the contents ID, col. 11 lines 1-40).

With regard to **claim 2** Kori discloses the limited number of times is determined by the permission limiting watermark (col. 11 lines 1-40).

With regard to **claim 3** Kori discloses the input image content data is inputted when a copy is performed (when a copy is performed by 21, the data is supplied to the decoder 22 and the image is being read. col. 8 lines 20-35).

With regard to **claim 4** Kori discloses the permission limiting watermark is a copy-once watermark indicating that a copy is permitted only once (col. 42 lines 18-20).

With regard to **claim 5** Kori discloses an additional watermark inserter (element 8 and 39 in Figures 1 and 3) for inserting an additional watermark in the input image content data to produce the output image content data when the copy is performed (col. 12 lines 4-14).

With regard to **claim 6** Kori discloses an additional watermark detector for detecting the additional watermark from the input image content data (additional watermark detector disclosed at 441 within the system 44 in Figure 3. Note, that the additional watermark section goes thru element 42, 200, 43 and to 44 where it is being detected), wherein, when the additional watermark is detected from the input image content data, the controller blocks the transfer of the input image content data so as not to produce the output image content data (transferring the data from the control section 50 to copying history information management memory 52, and copying count management information detection section 383 as seen in Figure 3).

With regard to **claim 7** Kori discloses the additional watermark inserter blocks the transfer of the input image content data under control of the controller when the additional watermark is detected (if the

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permitting number to copy is zero then the additional watermark inserter prevents it from copying as disclosed at col. 11 lines 17-25 and 35-40).

With regard to **claim 8** Kori discloses a data processing device as disclosed above in claim 1 and the arguments are not repeated herein, but are incorporated by reference. Kori discloses a detector for detecting a permission limiting watermark from the input content data and for detecting an additional watermark from the input content data, wherein the additional watermark is inserted when an original content is copied at elements 383 and 44, respectively, as seen in Figure 3. See, col. 9 lines 48-57 and col. 10 lines 54-67. Also see the second detector 44 for detecting additional watermark at col. 13 lines 47-62.

With regard to **claim 13** Kori discloses wherein the input image content data is digital image data corresponding to an analog composite signal (col. 8 lines 14-19).

Claim 14 recites identical features as claim 13. Thus, arguments similar to that presented above for claim 13 is equally applicable to claim 14.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 9 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kori et al. (hereinafter, "Kori") (US 6,687,802) in view of Linnartz (US 6,314,518).

With regard to **claim 9** Kori discloses a data processing device as disclosed above in claim 1 and the arguments are not repeated herein, but are incorporated by reference. Kori does not expressly disclose having the input content data inputted when playback is performed. Linnartz discloses this at col. 5 lines

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11-14 and lines 46-49; col. 7 lines 20-26. Kori and Linnartz are combinable because they are from the same field of endeavor, i.e., copy protection of the recording media. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Linnartz with Kori. The motivation for doing so is that the basic idea of playback control is that any drive refuses to pass video content if that content contains a watermark that classifies the video as being no-copy while the video is found on a recordable medium as suggested by Linnartz at col. 1 lines 35-60. Therefore, it would have been obvious to combine Linnartz with Kori to obtain the invention as specified in claim 9.

With regard to **claim 11** Linnartz disclose the input image content data is compressed image data conforming to MPEG standard (col. 6 lines 39-66, col. 7 lines 33-57).

Claim 12 recites identical features as claim 11. Thus, arguments similar to that presented above for claim 11 is equally applicable to claim 12.

Allowable Subject Matter

12. Claims 10 and 19 are allowed for the same reason as specified in a previous office action mailed on December 28, 2004.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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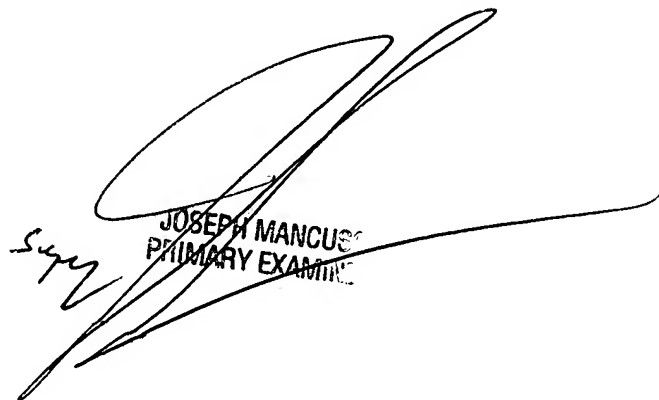
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is 571-272-7396. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shefali D Patel
Examiner
Art Unit 2621

July 26, 2005


JOSEPH MANCUSO
PRIMARY EXAMINER